

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVEN A. HILL,

Plaintiff,

v.

CORRECTIONS OFFICER FUENTES,

Defendants.

Case No. 05-00633-TSZ-JPD

SHOW CAUSE ORDER

Plaintiff Steven Hill is a Washington State inmate who has filed a 42 U.S.C. § 1983 civil rights action against state correctional officer Charles Fuentes for allegedly violating plaintiff's constitutional right of access to the courts. Dkt. No. 9. Plaintiff alleges that Officer Fuentes delayed sending legal mail to the state courts, which resulted in a denial of plaintiff's Motion for Discretionary Review ("Motion") from the Washington Supreme Court. *Id.* However, based on the letter dated December 29, 2005 from the Washington Supreme Court to the plaintiff (Dkt. No. 9), it does not appear that the Washington Supreme Court denied plaintiff's Motion. To the contrary, it appears that the Motion was received and that respondents were required to file an Answer to the Motion. *Id.*


If the Supreme Court is indeed considering plaintiff's motion, it would appear that he has no due process claim and that the case before us now is moot. Having carefully reviewed plaintiff's complaint and defendant's motion, this Court finds and ORDERS as follows:

(1) Both parties are directed to address the status of the plaintiff's Motion for Discretionary Review before the Washington Supreme Court (Sup.Ct. No. 76331-3) and to

01 SHOW CAUSE as to why this case should not be dismissed for mootness. Parties shall do so
02 no later than **September 29, 2005.**

03 (2) The Clerk is directed to send copies of this order to plaintiff, counsel for defendant,
04 and the Honorable Thomas S. Zilly.

05 DATED this 8th day of September, 2005.
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09 JAMES P. DONOHUE
10 United States Magistrate Judge
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